

George Hofmann (10005)
Patrick E. Johnson (10771)
Cohne Kinghorn, PC
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Attorneys for George Hofmann,
Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

MOBILE CAR DOCTORS, LLC,

Debtor.

Bankruptcy No. 17-30426 (KRA)

Chapter 7

**TRUSTEE'S MOTION FOR COURT AUTHORITY TO SELL
PERSONAL PROPERTY NUNC PRO TUNC AND
APPROVAL OF AUCTIONEER'S COMMISSION**

Pursuant to 11 U.S.C. §§ 327 and 363 and Fed. R. Bankr. P. 6004 and 9014, George Hofmann, in his capacity as Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of Mobile Car Doctors, LLC (the "Debtor"), hereby moves this Court through counsel, for a nunc pro tunc order (i) approving the sale of personal property of the estate (the "Motion"), on the terms and conditions set forth below and (ii) approving the auctioneer's commission with respect to the sale. The Trustee seeks approval of the sale of the items described on Exhibit A (the "Personal Property").

1. The Trustee directed the Debtor to turn over the Personal Property for

appraisal. On January 9, 2018, Erkelens and Olson Auctioneers (the "Auctioneers") took possession of the Personal Property, with the exception of the 18HP air compressor.

2. The Auctioneers inspected the 18HP air compressor and determined, based upon the size and difficulty in moving the compressor, that it would remain in the possession of one of the Debtor's principals and that it would be the winning bidders responsibility to take possession of the compressor after the auction.

3. The Trustee has never authorized any party to sell the Personal Property. The Trustee was unaware that the Auctioneer intended to sell the Personal Property at auction.

4. Unbeknownst to the Trustee, the Auctioneer sold the Personal Property on February 24, 2018, and that the sale yielded net proceeds to the Debtor's estate of \$3,331.50. Attached as Exhibit B is a copy of the Auctioneer's report.

5. The Trustee and/or his counsel did not become personally aware that the Personal Property had been sold until or about March 16, 2018. The Trustee promptly took steps to determine the circumstances of the sale and inventory the items that were sold (Exhibit B) versus the initial property report (Exhibit A). The Trustee has determined that all of the Property was auctioned with the exception of the "truck rack," which did not belong to the Debtor.

6. Based on the results of the auction, the Trustee believes that the sale of the Personal Property was in the best interest of creditors, that the Personal Property was adequately marketed by the Auctioneer, and that the Personal Property was sold for fair value. Although the Trustee would certainly have preferred to seek the Court's

approval of the auction before the fact, the Trustee does not believe that the results to the Debtor's estate would have changed.

7. The Auctioneer has deducted a 15% commission from the gross proceeds of the sale and \$60.00 in expenses. The Trustee believes that this compensation to the Auctioneer is reasonable.

RELIEF REQUESTED

8. By this Motion, the Trustee seeks this Court's approval of the sale of the Personal Property, nunc pro tunc.

9. This Court has reasoned that nunc pro tunc orders are available only in extraordinary circumstances, and are not justified by simple neglect. In re Hustings Land & Development, Inc., 255 B.R. 772, 783 (Bankr. D. Utah 2000). Nunc pro tunc relief can be used only to correct a mistake or error that actually occurred, not to reflect something that did not occur. In re Horsley, 2001 WL 1682013, *6 (Bankr. D. Utah August 17, 2001). A copy of the Horsley decision is attached as Exhibit C. Finally, nunc pro tunc relief may be appropriate in circumstances where the Court would have approved the relief sought on a timely application. Hustings Land, 255 B.R. at 783.

10. This is not a case of simple neglect. Had the Trustee known that the Auctioneer intended to sell the Personal Property, he would have sought this Court's approval of the sale.

11. Nunc pro tunc relief is appropriate to correct the mistake that actually occurred here—an unauthorized sale of property of the Debtor's estate. Moreover, the Trustee believes that the Court would likely have approved the auction sale had a timely application been made. The Trustee believes that the result to the estate would not

have been different had timely relief been sought.

12. Finally, approval of the sale nunc pro tunc is the only realistic option available in this situation. Theoretically, the Trustee could have claims against third parties for the unauthorized transfer of property of the Debtor's estate under Bankruptcy Code § 549. But given the value of the Personal Property, prosecuting such an action would probably not be economical. The Trustee has concluded that seeking retroactive approval of the sale is in the best interests of the Debtor's estate.

WHEREFORE, the Trustee respectfully requests this Court to enter an Order authorizing the sale of the Personal Property, nunc pro tunc, and authorizing the payment of the Auctioneer's compensation as described above.

DATED March 26, 2018.

Cohne Kinghorn, PC

By: /s/ Patrick E. Johnson
George Hofmann
Patrick E. Johnson
Attorneys for Trustee

EXHIBIT A

In re Mobile Car Doctors, LLC
Case No. 17-30426

PROPERTY REPORT

1	KTool Red movable cart
2	US General movable cart (black)
3	Robinaire A/C Machine
4	Matco 3pc. Hammer set
5	(3) Torque Wrenches
6	Power Probe Meter ECT2000
7	Alidata Samsung Tablet
8	Pulley/Puller Installer Kit
9	Disk Brake Caliper Tool Set
10	Fuel Injection Pump Tester (US General)
11	A/C Vacuum Pump
12	A/C Gauge Set
13	5 lb. Slide Hammer
14	2 Ton Cherry Picker (foldable shop crane)
15	Misc. Tools: screw drivers, sockets, flashlight, & wrenches
16	(2) 20 Ton Bottle Jacks
17	(2) Metric Pittsburgh Pros Sockets
18	(2) 3 Ton low profile jacks
19	(4) Jack Stands
20	12 Ton Hydraulic Press
21	(2) Portable battery chargers
22	Duo 102-in-1 Tablet PC w/ windows 10
23	Autel Diagnostic Machine
24	Model MV4535 Cooling System AirEvac Kit
25	Crankshaft Sensor Adjuster Balancer Checker (Kent-Moore)
26	Printer: MPC306 Ricoh
27	Red Floor Jack
28	Pittsburgh Air Operated Vacuum Pump
29	Truck Rack
30	18HP air compressor

EXHIBIT B

Seller Number: HM
Hofmann_Mobile Car Doctors #17-30426
George Hofmann
111 East Broadway 11th Floor
SLC, UT 84111

Date :03/02/2018

Final Statement For: freight auction 2/24/2018

Lot	Description	Price	Grp
63	2 Ton Cherry Picker	100.00	
72	(2) Battery Chargers	75.00	
73	US General Locking Tool case on wheels	75.00	
74	1 red jack 11,000 lbs	80.00	
75	3 ton & 8 ton jack	250.00	
76	Pittsburgh Disc brake pad service tools	50.00	
77	Pulley/Puller installer kit	50.00	
78	Crankshaft sensor adjustor	50.00	
79	Power Probe ECT 2000	250.00	
80	Autel Diagnostic Machine	500.00	
81	Mityvac Model MV4535 Cooling System AirEvac Kit	30.00	
82	2 Jacks	40.00	
83	12 Ton Hydraulic Bottle Jack	50.00	
84	Matco 3pc hammer set	125.00	
85	3 Torque Wrenches	100.00	
86	2 Jack Stands	15.00	
87	2 Hydraulic Stands	40.00	
88	EverTough Slide Hammer (5lb 5/8"x18 Threads)	60.00	
89	(2) Pittsburg Metric Pros Sockets	60.00	
90	fuel injector pump tester	60.00	
91	Pittsburg Air operated vacuum pump	10.00	
92	Pittsburg 2.5 CFM Vacuum Pump	20.00	
93	Duo 10, 2-in-1 Table Pc w/ Windows 10	50.00	
94	Samsung Tablet	50.00	
95	Ricoh Printer/Copier MPC306	250.00	
96	Robinair AC Machine	1,300.00	
97	KTool International Locking tool box w/ misc. tools	150.00	
333	Compressor	100.00	

Date	Invoice#	Description	
Expense -	01/09/2018	Pickup fee of items	60.00

Thank you for participating in our auction. Please visit our website for upcoming auctions and consignment deadlines. We appreciate your business.

Summary of Sales Activity at freight auction 2/24/2018

Commissions are Calculated on a Percent of the Sale Price of EACH LOT.

Statement Totals	
28 Lots Sold	
Total Sales	\$ 3,990.00
Less: Commissions	\$ 598.50
Total Amount Due	\$ 3,391.50
Less: Expenses	\$ 60.00
Total Amount Due	\$ 3,331.50

Contact: Robert

801-864-1492

801-864-1492

Bankruptcy & Govt. Surplus Auction Feb. 24th

SLC, UT | 19 Days

\$250.00

6399 53

Page Stats

Listing Number 50729357

Expiration Date Mar 12, 2018

Page Views 6399

Favorited 53

Seller Type Business

Member Since Sep 2008

Important Safety Tip

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**Description**

Erkelens and OLson Auctioneers: Auction Saturday Feb. 24th at 10 AM, Preview: Friday Feb. 23rd 9-4 Pm Address: 430 West 300 North, SLC UT 84103 Vehicles: 2016 Chevrolet 1500 Silverado, 2008 Ford F350 Super Duty Flatbed, 2005 Honda Civic, 2002 Chevy Express Van, 1996 Ford Mustang, Classic Cars: 1947 Mercury Eight, 1964 Chevy Impala SS Convertible w/ 409 Engine, 1969 Ford Gran Torino, 1972 Chevy Impala Convertible, 1978 Camaro Z28 Artwork: 37 original painting's by Russell Case (majority are water color, 3 oils) Travel Trailer: 1997 Komfort Travel Trailer, 1995 Sunrise Cobra Travel Trailer, 1987 Skyline Travel Trailer Forklift: Electric CAT 30 w/ charger Jewelry: Diamond Ring: Stamped & tested as 14 karat w/ a total gold & diamond weight of 7.02 grams, Center diamond: Round brilliant cut measuring approx. 7.06/7.02x4.53mm, weighting approx. 1.36 carat, I clarity, approx. I color. Accent diamonds: 20 round full cut diamonds set into the halo, 24 round full cut diamonds & 2 round full cut diamonds set into the ring shank & 2 round full cut diamonds. Total weight of the 48 accent diamonds is approx. .75 cart SI1 to VS clarity, approx. g/h color. Watches: 2016 Chevro Watch: Cartier Chonograph 21, Tag Heuer Formula 1 Furniture: Beautiful Carved Antique Chest Sports Equipment: Spencer Marston Yankees Pool Table, Ping Pong Table High End Sports Memorabilia: Masters Flag signed by Phil Mickelson, Mike Trout Signed Jersey, Mickey Mantle Poster, Hoosiers Signed poster, full list.....HERE Auto Shop Equipment: 2 Ton Cherry Picker, Robinaire A/C Machine, Torque Wrenches, Disk Brake Caliper Set, 12 Ton Hydraulic Press, Autel Diagnostic Machine, Crankshaft S Sensor, Floor Jacks, Robinaire A/C Machine, Jack Stands and more! visit our website for more info: www.salesandauction.com or give us a call w/ any questions 801-355-6655

Contact: Rob

☎ 801-355-6655

📞 801-355-6655

Auto accessories auction! Feb 24th!

salt lake city, UT | 6 Days

\$200.00

👁 212 ♡ 1

Page Stats

Listing Number 51176797

Expiration Date Mar 25, 2018

Page Views 212

Favorited 1

Seller Type Business

Member Since Feb 2015

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**Description**

2 Ton Cherry Picker, Robinaire A/C Machine, Torque Wrenches, Disk Brake Caliper Set, 12 Ton Hydraulic Press, Autel Diagnostic Machine, Crankshaft SENSOR, Floor Jacks, Robinaire A/C Machine, Jack Stands and more! All to be sold absolute at public auction: Feb 24th at 10 AM. Preview: Friday FEB. 23rd 9-4 at 430 West 300 North, SLC ut 84103. All to be sold absolute at public auction! visit our website www.salesandauction.com or give us a call 801-355-6655

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AUCTION REGISTRATION

SALE: Saturday Mega Auction

2/22/2018

BIDDER NO 101	NAME Rick Riggins	E-MAIL
	ADDRESS 3369 W. CRESTFIELD	CITY W. V. STATE UT
	PHONE 801-548-5790	ZIP 84119
BIDDER NO 102	NAME Mark Wilson	E-MAIL skipter1@yahoo.com
	ADDRESS 12044 S. Claim Stake Way	CITY Herriman STATE UT
	PHONE 801-889-7499	ZIP 84096
BIDDER NO 103	NAME Brian Fruit	E-MAIL brian@lizardskins.com
	ADDRESS	CITY Highland STATE UT
	PHONE 801-358-5255	ZIP 84
BIDDER NO 104	NAME PAUL BINGHAM	E-MAIL pobingham@gmail.com
	ADDRESS 2200 South State St	CITY Mt. Carmel STATE UT
	PHONE 435-648-2653 801-564-2937	ZIP 84757
BIDDER NO 105	NAME Michael Corbridge	E-MAIL
	ADDRESS PO BOX 425 Elvira	CITY STATE CA
	PHONE 916-417-4999	ZIP 95626
BIDDER NO 106	NAME Benny McCorkle	E-MAIL
	ADDRESS 7895 S. 2250 E	CITY South Weber STATE UT
	PHONE 801-317-6987	ZIP 84405
BIDDER NO 107	NAME Dakota Davis	E-MAIL
	ADDRESS 225 N. Fairfield Rd. #149	CITY Layton STATE UT
	PHONE 801-686-7719	ZIP 84041
BIDDER NO 108	NAME Alfred S. TolbeA	E-MAIL
	ADDRESS 3631 W. 4875 S. Rex	CITY Rex STATE UT
	PHONE 801-336-0931	ZIP 84067
BIDDER NO 109	NAME David B Davis	E-MAIL
	ADDRESS 548 E Edith Ave	CITY SLC STATE UT
	PHONE 801-835-5542	ZIP 84111
BIDDER NO 110	NAME BRADY MACHIN	E-MAIL
	ADDRESS 1616 E CASPER RD	CITY SANDY STATE UT
	PHONE 801-979-4874	ZIP 84092
BIDDER NO 111	NAME Jake Manning	E-MAIL jakemann33@yahoo.com
	ADDRESS 1313 W. 500 S.	CITY Layton STATE UT
	PHONE 208-971-0323	ZIP 84041
BIDDER NO 112	NAME LARRY LARSEN	E-MAIL jtwedding@gmail.com
	ADDRESS 160 W. 300 N.	CITY Heber STATE UT
	PHONE 435-640-1064	ZIP 84032

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AUCTION REGISTRATION

SALE: _____

DATE: _____

BIDDER NO 113	NAME Connor Schone	E-MAIL Connor.schone@gmail.com
	ADDRESS 32 E Autumn Station Way	CITY Milvale STATE UT
	PHONE (801) 834-2312	ZIP 84047
BIDDER NO 114	NAME Pat Blackner	E-MAIL
	ADDRESS 628 N 1100	CITY West Bountiful STATE UT
	PHONE 801-864-8000	ZIP 84087
BIDDER NO 115	NAME Tom Stewart	E-MAIL Tom@Halfmoonbeamsllc.com
	ADDRESS 5898 So. 150 W.	CITY Murray STATE UT
	PHONE 801-953-2668	ZIP 84107
BIDDER NO 116	NAME TONY APGOOD	E-MAIL TONY_APGOOD@yahoo.com
	ADDRESS 2955 E. DEVONSHIRE CIRCLE	CITY S.L.C. STATE UT
	PHONE 801-608-4275	ZIP 84108
BIDDER NO 117	NAME John Ullrich	E-MAIL Mosta John@gmail.com
	ADDRESS 3225 So. 4890 W	CITY STATE
	PHONE 801-232-7854	ZIP 84120
BIDDER NO 118	NAME Chris Merrill	E-MAIL utahman-1@msn.com
	ADDRESS 10766 Lees Drive Dr.	CITY So. Jordan STATE UT
	PHONE 801-403-4198	ZIP 84095
BIDDER NO 119	NAME Quinn Sieverts	E-MAIL
	ADDRESS 1205 Oakridge Lane	CITY Bountiful STATE UT
	PHONE (801) 698-2359	ZIP 84010
BIDDER NO 120	NAME Tony/Willie Smith	E-MAIL
	ADDRESS 1275 Club House Dr.	CITY Roosevelt STATE UT
	PHONE 435-923-3651	ZIP 84066
BIDDER NO 121	NAME DENNIS STONE	E-MAIL DESTONE@HDLERBAE.com
	ADDRESS 9652 Wood Ranch	CITY So. Jordan STATE UT
	PHONE 801-634-3117	ZIP 84009
BIDDER NO 122	NAME METTIE J Barney	E-MAIL jay.barney@comcast.net
	ADDRESS 541 W 1465 N	CITY Orem STATE UT
	PHONE 801-857-4831	ZIP 84057
BIDDER NO 123	NAME Randy Ropelato	E-MAIL garope29@aol.com
	ADDRESS 3954 W. 1400 So.	CITY Ogden STATE UT
	PHONE 801-731-3980	ZIP 84401
BIDDER NO 124	NAME Fred Stoddart	E-MAIL
	ADDRESS 281 E 1200 S	CITY Bountiful STATE
	PHONE 801-425-2004	ZIP

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AUCTION REGISTRATION

SALE: _____ DATE: _____

BIDDER NO 125	NAME <u>Kudney Turk</u>	E-MAIL
	ADDRESS <u>5741 W. Mooncrest Ct</u>	CITY <u>W Jordan</u> STATE <u>UT</u>
	PHONE <u>801 707-1964</u>	ZIP <u>84081</u>
BIDDER NO 126	NAME <u>John Briggs</u>	E-MAIL <u>4JCBBRIGGS@GMAIL.COM</u>
	ADDRESS <u>752 W. Veterans Cir</u>	CITY <u>Murray</u> STATE <u>UT</u>
	PHONE <u>801-201-7920</u>	ZIP <u>84122</u>
BIDDER NO 127	NAME <u>RANDY BRIMMALL</u>	E-MAIL <u>ZIPPED@MEN.COM</u>
	ADDRESS <u>537 E 8045 S</u>	CITY <u>SANDY</u> STATE <u>UT</u>
	PHONE <u>801 550-5285</u>	ZIP <u>84070</u>
BIDDER NO 128	NAME <u>Ken Yocum</u>	E-MAIL <u>Ken@BDCutah.com</u>
	ADDRESS <u>103 N. Swift Creek Dr.</u>	CITY <u>Layton</u> STATE <u>UT</u>
	PHONE <u>801-643-1785</u>	ZIP <u>84043</u>
BIDDER NO 129	NAME <u>Jayson Moller</u>	E-MAIL
	ADDRESS <u>5750 S 900 E</u>	CITY <u>MURRAY</u> STATE <u>UT</u>
	PHONE <u>801-573-7592</u>	ZIP <u>84122</u>
BIDDER NO 130	NAME <u>Ryan Kelly</u>	E-MAIL <u>ryankelly@gmail.com</u>
	ADDRESS <u>319 McMillan Ln</u>	CITY <u>Murray</u> STATE <u>UT</u>
	PHONE <u>801-688-2629</u>	ZIP <u>84107</u>
BIDDER NO 131	NAME <u>Dustin Rallison</u>	E-MAIL <u>dustin@trivesteds.com</u>
	ADDRESS <u>2645 S Hwy 89</u>	CITY <u>Perry</u> STATE <u>UT</u>
	PHONE <u>801-668-1047</u>	ZIP <u>84302</u>
BIDDER NO 132	NAME <u>Tyler Rallison</u>	E-MAIL <u>tyler.rallison@gmail.com</u>
	ADDRESS <u>PSC 80 Box 10795</u>	CITY <u>APD</u> STATE <u>AP</u>
	PHONE <u>080-9852-7753</u>	ZIP <u>76367</u>
BIDDER NO 133	NAME <u>Ryan Pera</u>	E-MAIL <u>Rinoxz@hotmail.com</u>
	ADDRESS <u>2432 C Ave Hollow Way</u>	CITY <u>Poultney</u> STATE <u>UT</u>
	PHONE <u>801-330-3176</u>	ZIP <u>84010</u>
BIDDER NO 134	NAME <u>WALTER PERA</u>	E-MAIL <u>WPERA5769@PRHOD.COM</u>
	ADDRESS <u>2015 HEDGEWOOD CT</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-272-7008</u>	ZIP <u>84124</u>
BIDDER NO 135	NAME <u>M. Kory Valentine</u>	E-MAIL
	ADDRESS <u>2715 Bradshaw</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-454-4344</u>	ZIP <u>84109</u>
BIDDER NO 136	NAME <u>TERRY HARMES</u>	E-MAIL <u>harmesway477@gmail.com</u>
	ADDRESS <u>15028 S. ROSE CREEK</u>	CITY <u>HEBERMAN</u> STATE <u>UT</u>
	PHONE <u>801-828-7452</u>	ZIP <u>84096</u>

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BIDDER NO 137	NAME <u>SERGIO CORTEZ</u>	E-MAIL
	ADDRESS <u>1527 S BRAVAH ST</u>	CITY <u>S.L.C</u> STATE <u>UT</u>
	PHONE <u>801-977-0685</u>	ZIP <u>84104</u>
BIDDER NO 138	NAME <u>TOM GALLEGOS</u>	E-MAIL <u>TGIS62@hotmail.com</u>
	ADDRESS <u>2147 ROCKMANOR DR</u>	CITY <u>Centerville</u> STATE <u>UT</u>
	PHONE <u>801-580-2206</u>	ZIP <u>84014</u>
BIDDER NO 139	NAME <u>ALBERTO OATIZ</u>	E-MAIL <u>M.A.J.AUTOMOTIVETRANS@GMAIL.COM</u>
	ADDRESS <u>3994 S-300 W #25</u>	CITY <u>MURRAY</u> STATE <u>UT</u>
	PHONE <u>801-860-9625</u>	ZIP <u>84107</u>
BIDDER NO 140	NAME <u>GIEVE BELL</u>	E-MAIL
	ADDRESS <u>7118 S. 1350 W</u>	CITY <u>SYRACUSE</u> STATE <u>UT</u>
	PHONE <u>(435) 754-6774</u>	ZIP <u>84075</u>
BIDDER NO 141	NAME <u>Reed Taylor</u>	E-MAIL
	ADDRESS <u>P.O. Box 1393</u>	CITY <u>Bountiful</u> STATE <u>UT</u>
	PHONE <u>801-573-2419</u>	ZIP
BIDDER NO 142	NAME <u>STEVE BERRY</u>	E-MAIL <u>sensiskue001@yahoo.com</u>
	ADDRESS <u>2270 S. 100 W.</u>	CITY <u>Clearfield</u> STATE <u>UT</u>
	PHONE <u>(801) 541-5253</u>	ZIP
BIDDER NO 143	NAME <u>ED GORBLE</u>	E-MAIL
	ADDRESS	CITY STATE
	PHONE <u>801-718-4855</u>	ZIP
BIDDER NO 144	NAME <u>Carrie Topham</u>	E-MAIL <u>latopham@msn.com</u>
	ADDRESS <u>8722 So Okubo Dr.</u>	CITY <u>West Jordan</u> STATE <u>UT</u>
	PHONE <u>801-638-8007</u>	ZIP <u>84085</u>
BIDDER NO 145	NAME <u>Al Collins</u>	E-MAIL <u>Al.Collins88@gmail</u>
	ADDRESS <u>560 W 1700 S suite 200</u>	CITY <u>Clearfield</u> STATE <u>UT</u>
	PHONE <u>801 643-1940</u>	ZIP <u>84015</u>
BIDDER NO 146	NAME <u>Robert Bakker</u>	E-MAIL
	ADDRESS <u>1338 Hana Ct</u>	CITY <u>Draper</u> STATE <u>UT</u>
	PHONE <u>801-652-2405</u>	ZIP <u>84020</u>
BIDDER NO 147	NAME <u>Kim Olsen</u>	E-MAIL <u>ko_construction@hotmail.com</u>
	ADDRESS <u>1774 E 3900 S.</u>	CITY <u>Holaday</u> STATE <u>UT</u>
	PHONE <u>801-856-5148</u>	ZIP <u>84124</u>
BIDDER NO 148	NAME <u>Anthony Winters</u>	E-MAIL <u>anthony@wisatcllregulation.com</u>
	ADDRESS <u>1222 W Gully Cir</u>	CITY <u>S. Jordan</u> STATE <u>UT</u>
	PHONE <u>801-469-7162</u>	ZIP <u>84095</u>

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AUCTION REGISTRATION

SALE:

DATE:

BIDDER NO 149	NAME Anthony Stutsman ADDRESS 1229 Codi Circle PHONE 385-258-7330	E-MAIL ANTHONYSTUTSMAN@GMAIL.COM CITY S- Jordan STATE UT ZIP 84095
BIDDER NO 150	NAME Jay Shular ADDRESS 13266 S. Patrick Dr. PHONE 801-473-8251	E-MAIL jay.shular@gmail.com CITY MAGNA STATE UT ZIP 84044
BIDDER NO 151	NAME Hanning Knudsen ADDRESS 809 E Winger Ave 1 PHONE 801-808-7508	E-MAIL hanningkn@live.com CITY Sandy STATE UT ZIP 84092
BIDDER NO 152	NAME Larry Paxton ADDRESS PO Box 402 PHONE 307-347-8808	E-MAIL larrypaxton@RTconnect.net CITY Worland STATE WY ZIP 82401
BIDDER NO 153	NAME Steve Hirst ADDRESS 80 E 700 S PHONE 801-450-8336	E-MAIL eldarnutstove@gmail.com CITY Farmington STATE UT ZIP 84025
BIDDER NO 154	NAME TODD WHITTON ADDRESS 3092 W. LAYTHAM WY. PHONE 801-300-0989	E-MAIL TWANBEX113@GMAIL.COM CITY W.I.J STATE ZIP 84006
BIDDER NO 155	NAME Mike Snow ADDRESS 1411 W 2975 S PHONE 801-698-4844	E-MAIL YETI AUCTION@YAHOO.COM CITY SPRINGFIELD STATE UT ZIP 84075
BIDDER NO 156	NAME CHAD Lundgren ADDRESS 2626 S. 500 E PHONE 801-494-6125	E-MAIL CITY SLC STATE UT ZIP 84106
BIDDER NO 157	NAME Jeff Moffet ADDRESS 2014 So Sheperd PHONE 801-541-0613	E-MAIL Jeff@MoffetPlastering.com CITY Kaysville STATE UT ZIP 84057
BIDDER NO 158	NAME Chad Starbuck ADDRESS 7944 Mountain Oaks Dr. PHONE 801-647-0171	E-MAIL chad@starbucksports.com CITY CH STATE UT ZIP 84121
BIDDER NO 159	NAME Larry Wood ADDRESS 3994 So Dewannee P. PHONE 801-963-7351	E-MAIL CITY WVC UT STATE ZIP 84120
BIDDER NO 160	NAME Jeremy Jensen ADDRESS 26 E 2nd N PHONE 208-221-0903	E-MAIL CITY PWS STATE ID ZIP 83261

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AUCTION REGISTRATION

SALE: _____ DATE: _____

BIDDER NO 161	NAME <u>Javier Vazquez</u>	E-MAIL <u>themanusmex@gmail.com</u>
	ADDRESS <u>Ogden</u>	CITY _____ STATE _____
	PHONE <u>801 205-4642</u>	ZIP <u>84403</u>
BIDDER NO 162	NAME <u>Will Ravel</u>	E-MAIL _____
	ADDRESS <u>973 Jefferson</u>	CITY <u>Ogden</u> STATE <u>UT</u>
	PHONE <u>501 695 0593</u>	ZIP <u>84401</u>
BIDDER NO 163	NAME <u>Kenny Mowen</u>	E-MAIL <u>Kenny26@gmail.com</u>
	ADDRESS <u>1959 W Melville</u>	CITY <u>SLC</u> STATE _____
	PHONE <u>801-703-1947</u>	UT ZIP <u>84114</u>
BIDDER NO 164	NAME <u>Jack Healy</u>	E-MAIL <u>Funco5@att.net</u>
	ADDRESS <u>4316 Football dr</u>	CITY <u>Bountiful</u> STATE <u>UT</u>
	PHONE <u>801 294-3324</u>	ZIP <u>84010</u>
BIDDER NO 165	NAME <u>Guy Behunin</u>	E-MAIL <u>GRVPartise@yahoo</u>
	ADDRESS <u>2751 S 8400 W</u>	CITY <u>Magneta</u> STATE <u>UT</u>
	PHONE <u>801 508 7787</u>	ZIP <u>84044</u>
BIDDER NO 166	NAME <u>Bruce & Alicia Vicars</u> ^{Vicars Construction}	E-MAIL <u>vicarsfamily@comcast.net</u>
	ADDRESS <u>136 Hillside Dr.</u>	CITY <u>Smithfield</u> STATE <u>UT</u>
	PHONE <u>435-232-3715</u>	ZIP <u>84335</u>
BIDDER NO 167	NAME <u>Ken Hicken</u>	E-MAIL _____
	ADDRESS <u>1188 W. 12400 S.</u>	CITY <u>Renton</u> STATE <u>WA</u>
	PHONE <u>801-897-1144</u>	ZIP <u>98105</u>
BIDDER NO 168	NAME <u>Marco Velasquez</u>	E-MAIL _____
	ADDRESS <u>415 S 2400 W</u>	CITY <u>MIDVUE</u> STATE <u>UT</u>
	PHONE <u>801-739-3322</u>	ZIP <u>84042</u>
BIDDER NO 169	NAME <u>Ann Atkin</u>	E-MAIL <u>ann@methrob.com</u>
	ADDRESS <u>2505 N 850 W</u>	CITY <u>Provo</u> STATE <u>UT</u>
	PHONE <u>801-722-5013</u>	ZIP <u>84604</u>
BIDDER NO 170	NAME <u>Moises Espinoza</u>	E-MAIL <u>Moe3540@yahoo</u>
	ADDRESS <u>550 N Wright Brothers Dr</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801 231 4553</u>	ZIP <u>84116</u>
BIDDER NO 171	NAME <u>ROD LUTZ</u>	E-MAIL <u>RODLUTZ46@gmail.com</u>
	ADDRESS <u>3959 W. 5325 S</u>	CITY <u>ROY</u> STATE <u>UT</u>
	PHONE <u>801-645-1196</u>	ZIP <u>84057</u>
BIDDER NO 172	NAME <u>Alfredo Suarez</u>	E-MAIL _____
	ADDRESS <u>3088 S Alpine meade</u>	CITY <u>WCC</u> STATE <u>UT</u>
	PHONE <u>801-2058921</u>	ZIP <u>84120</u>

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BIDDER NO 173	NAME Cindy Dumas	E-MAIL marissabrooks@gmail.com
	ADDRESS 5962 A. 900 E	CITY SLC STATE UT
	PHONE 801 330-1693	ZIP
BIDDER NO 174	NAME DEAN PORTER	E-MAIL
	ADDRESS 637 E. 950 S. #7	CITY BRIGHTON CITY STATE UT
	PHONE 801 723-7704	ZIP 84302
BIDDER NO 175	NAME Kerry Green	E-MAIL
	ADDRESS 2137 Bryce Dr	CITY Kaysville STATE UT
	PHONE	ZIP 84037
BIDDER NO 176	NAME Dan Evans	E-MAIL preezeracing@msn.com
	ADDRESS 5615 So. Bryce St	CITY TAYLORVILLE STATE UT
	PHONE 801-538-5023	ZIP 84129
BIDDER NO 177	NAME Carlos A. Morales	E-MAIL carlos.morales3636@att.net
	ADDRESS 3663 W Red Ridge Ln.	CITY West Valley City STATE UT
	PHONE 775-776-6666	ZIP 34113
BIDDER NO 178	NAME RELENT SERVICE	E-MAIL
	ADDRESS 1190 So STATE ST	CITY SLC STATE UT
	PHONE 801-718-4329	ZIP 84111
BIDDER NO 179	NAME William McCoy	E-MAIL
	ADDRESS 4936 W 8500 S	CITY W. Jordan STATE UT
	PHONE 801 209 3798	ZIP 84084
BIDDER NO 180	NAME Johnny Albert	E-MAIL
	ADDRESS 2505 E 2500 S	CITY Iverson STATE UT
	PHONE 801 842 7656	ZIP
BIDDER NO 181	NAME Jeremy Hasen	E-MAIL jsf224n@g4t00.com
	ADDRESS 1129 N. 350 E.	CITY West Bountey STATE UT
	PHONE 907-673-1052	ZIP 84021
BIDDER NO 182	NAME Jared Carter	E-MAIL jared@wolfpeak.net
	ADDRESS 440 S. Bishop St	CITY Kaysville STATE UT
	PHONE 801-309-6846	ZIP 84037
BIDDER NO 183	NAME Joe Walls	E-MAIL
	ADDRESS 627 W 1175 N.	CITY Farmington STATE UT
	PHONE 801-232-0911	ZIP 84405
BIDDER NO 184	NAME Kaylen Thornock	E-MAIL 1421skidoo@live.com
	ADDRESS 125 Sandstone Dr.	CITY Evanston STATE WI
	PHONE 307-679-9437	ZIP 82930

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BIDDER NO 185	NAME <u>Mark Gregory</u>	E-MAIL
	ADDRESS <u>4505 E 1725 N</u>	CITY <u>Provo</u> STATE <u>UT</u>
	PHONE <u>801-380-3310</u>	ZIP <u>84404</u>
BIDDER NO 186	NAME <u>Paul Varrin</u>	E-MAIL
	ADDRESS <u>1350 W 300 N</u>	CITY <u>Clearfield</u> STATE <u>UT</u>
	PHONE <u>801-668-5809</u>	ZIP <u>84015</u>
BIDDER NO 187	NAME <u>Simon Berber</u>	E-MAIL <u>Simon@triexcorp.net</u>
	ADDRESS <u>147515 1690 W</u>	CITY <u>Bluffdale</u> STATE <u>UT</u>
	PHONE <u>801-856-3540</u>	ZIP <u>84065</u>
BIDDER NO 188	NAME <u>Don Brown</u>	E-MAIL
	ADDRESS <u>814 N. Morton Dr</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-539-1796</u>	ZIP <u>84116</u>
BIDDER NO 189	NAME <u>Cody Thorup</u>	E-MAIL <u>CodyThorup@gmail.com</u>
	ADDRESS <u>3410 W. El Cobrio Dr</u>	CITY <u>WNC</u> STATE <u>UT</u>
	PHONE <u>385-695-8382</u>	ZIP <u>84119</u>
BIDDER NO 190	NAME <u>Dick Winters</u>	E-MAIL <u>info@wmsalt.com</u>
	ADDRESS <u>205 N. Oakland</u>	CITY <u>Oakley</u> STATE <u>UT</u>
	PHONE <u>801-555-9240</u>	ZIP <u>83341</u>
BIDDER NO 191	NAME <u>Jeffrey R. Bell</u>	E-MAIL
	ADDRESS	CITY STATE
	PHONE <u>801-555-9248</u>	ZIP
BIDDER NO 192	NAME <u>Kasey Kibb</u>	E-MAIL
	ADDRESS <u>1715 N 350 W</u>	CITY <u>Sunset</u> STATE <u>UT</u>
	PHONE <u>660-473-6936</u>	ZIP <u>84015</u>
BIDDER NO 193	NAME <u>DARRELL DRABE</u>	E-MAIL
	ADDRESS <u>160 E 900 St SLC</u>	CITY STATE <u>UT</u>
	PHONE <u>801-918-5558</u>	ZIP <u>84111</u>
BIDDER NO 194	NAME <u>Tiffany Wilkinson</u>	E-MAIL <u>wilkinboots@hotmail.com</u>
	ADDRESS <u>441 E. Park Oak Place</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-918-0809</u>	ZIP <u>84107</u>
BIDDER NO 195	NAME <u>Lott Broadbent</u>	E-MAIL <u>Lottbroadbent@yahoo.com</u>
	ADDRESS <u>135 Lakewood Dr</u>	CITY <u>Everston</u> STATE <u>WY</u>
	PHONE <u>307-679-6457</u>	ZIP <u>82430</u>
BIDDER NO 196	NAME <u>Jake Mink</u>	E-MAIL <u>14jimink@gmail.com</u>
	ADDRESS <u>1785 W 77th</u>	CITY <u>Syracuse</u> STATE <u>UT</u>
	PHONE <u>801-888-1040</u>	ZIP <u>84078</u>

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BIDDER NO 197	NAME Jeff Johnson	E-MAIL Johnson.Jeff.d@gmail.com
	ADDRESS 236 Lyman Ln	CITY Bountiful STATE UT
	PHONE 801-979-1755	ZIP 84010
BIDDER NO 198	NAME Kevin Johnson	E-MAIL Kevdang23@hotmail.com
	ADDRESS 281 W. 650 N Apt K	CITY Centerville STATE UT
	PHONE 801-308-0348	ZIP 84014
BIDDER NO 199	NAME Daren Dai	E-MAIL
	ADDRESS 3211 Redwood Rd	CITY WVC. STATE UT
	PHONE 801-972-8500	ZIP 84117
BIDDER NO 200	NAME RICHARD SWANSON	E-MAIL
	ADDRESS 1284 W 175S	CITY FARMINGTON STATE UT
	PHONE 801-870-0737	ZIP 84025
BIDDER NO 201	NAME IOANNIS HATZIPOLAKIS	E-MAIL
	ADDRESS 3409 LOREN VON DR	CITY SLC STATE
	PHONE 801-712-3837	ZIP 84124
BIDDER NO 202	NAME PENNY Newfiders	E-MAIL
	ADDRESS 4733 S. GLENGREST	CITY HERRN STATE
	PHONE 801-502-4867	ZIP 84107
BIDDER NO 203	NAME QUINTIN SANDERS	E-MAIL QSANDERS@USN.com
	ADDRESS 3110 N HWY 162	CITY EDEN STATE UT
	PHONE 801-7458446	ZIP 84310
BIDDER NO 204	NAME MIKE WILLIAMS	E-MAIL MIKE-WILLIAMS@LIVE.com
	ADDRESS 5787 CREST FLOWER WAY	CITY KERRNS STATE UT
	PHONE 801-652-0720	ZIP 84118
BIDDER NO 205	NAME Alex Cardillo	E-MAIL
	ADDRESS 736 S. SCEN	CITY SLC STATE UT
	PHONE 801-884-9888	ZIP 84100
BIDDER NO 206	NAME Damien Olson	E-MAIL
	ADDRESS 12467 S. Black Foot st	CITY Riverton STATE UT
	PHONE 801-638-6805	ZIP 84096
BIDDER NO 207	NAME Jim Redmond	E-MAIL XCELJIM@gmail.com
	ADDRESS 155 400 E	CITY Bountiful STATE UT
	PHONE 801-557-7199	ZIP 84010
BIDDER NO 208	NAME Jason Todd	E-MAIL jntoddy@hotmail.ca
	ADDRESS 15 E 1500 S	CITY Bountiful STATE UT
	PHONE 801-586-3367	ZIP 84010

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BIDDER NO 209	NAME <u>LENT MANSFIELD</u>	E-MAIL
	ADDRESS <u>1348 W 2500 S</u>	CITY <u>Syracuse</u> STATE <u>UT</u>
	PHONE <u>801-920-4826</u>	ZIP <u>84075</u>
BIDDER NO 210	NAME <u>Chandler</u>	E-MAIL <u>cdizon@gmail.com</u>
	ADDRESS <u>117 W 2575 N Apt B</u>	CITY <u>Sunset</u> STATE <u>UT</u>
	PHONE <u>801 268 7228</u>	ZIP <u>84015</u>
BIDDER NO 211	NAME <u>RAY HARTUNG</u>	E-MAIL
	ADDRESS <u>P.O. Box 220 535</u>	CITY <u>Centerfield</u> STATE <u>UT</u>
	PHONE <u>435 979 2432</u>	ZIP <u>84622</u>
BIDDER NO 212	NAME <u>Don Hossner</u>	E-MAIL
	ADDRESS <u>3841 Bonniewood</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-968-4920</u>	ZIP <u>84119</u>
BIDDER NO 213	NAME <u>Brian Brown</u>	E-MAIL
	ADDRESS <u>370 E Hallywood Ave</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801 759 7873</u>	ZIP
BIDDER NO 214	NAME <u>Tom Teleptiac</u>	E-MAIL
	ADDRESS <u>2105 Fallwood Dr</u>	CITY <u>Taylorville</u> STATE <u>UT</u>
	PHONE <u>801 803 0053</u>	ZIP
BIDDER NO 215	NAME <u>CARLOS MARTINEZ</u>	E-MAIL <u>See me at 801 @ Hotmail.com</u>
	ADDRESS <u>3335 W 7000 S</u>	CITY <u>S.L.C</u> STATE <u>UT</u>
	PHONE <u>801 859 2391</u>	ZIP <u>84084</u>
BIDDER NO 216	NAME <u>Twins Alfred</u>	E-MAIL <u>TAKKX.MAK180@yahoo.com</u>
	ADDRESS <u>4942 W 7000 S</u>	CITY <u>W Jordan</u> STATE <u>UT</u>
	PHONE <u>801 868 6258</u>	ZIP <u>84081</u>
BIDDER NO 217	NAME <u>Mario Torres</u>	E-MAIL
	ADDRESS <u>5245 Deer Bl</u>	CITY STATE
	PHONE <u>801-598-4814</u>	ZIP
BIDDER NO 218	NAME <u>Cole Johnson</u>	E-MAIL <u>Erick Johnson @ gmail.com</u>
	ADDRESS <u>617 West Main po Box 632</u>	CITY <u>lava hot springs</u> STATE <u>ID</u>
	PHONE <u>208 766-5150</u>	ZIP <u>83246</u>
BIDDER NO 219	NAME <u>David Bell</u>	E-MAIL <u>dpm bell@hotmail.com</u>
	ADDRESS <u>205 N. 575 E</u>	CITY <u>Hyde Park</u> STATE <u>UT</u>
	PHONE <u>435-881-3374</u>	ZIP <u>84318</u>
BIDDER NO 220	NAME <u>Mike Wong</u>	E-MAIL
	ADDRESS <u>414 W White Pine Dr</u>	CITY <u>Murray</u> STATE <u>UT</u>
	PHONE <u>801-879-6378</u>	ZIP <u>84023</u>

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BIDDER NO 317	NAME <u>Scott Lopez</u>	E-MAIL <u>Lopezscotty@gmail.com</u>
	ADDRESS <u>2956 E 7320 S</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-819-9848</u>	ZIP <u>84121</u>
BIDDER NO 318	NAME <u>Guadalupe Alvarez</u>	E-MAIL
	ADDRESS <u>2350 N Dixie St</u>	CITY <u>WVC</u> STATE <u>UT</u>
	PHONE <u>385-2347248</u>	ZIP
BIDDER NO 319	NAME <u>Jayne Applegate</u>	E-MAIL <u>INFO@GREENBOXRECycling.com</u>
	ADDRESS <u>1500 W. Atlas Way.</u>	CITY <u>TAELE</u> STATE <u>UT</u>
	PHONE <u>435-830-2700</u>	ZIP
BIDDER NO 320	NAME <u>Tyson Olson</u>	E-MAIL <u>festytsan@live.com</u>
	ADDRESS <u>6797 Berula Cir</u>	CITY <u>W Jordan</u> STATE <u>UT</u>
	PHONE <u>801-656-5085</u>	ZIP <u>84081</u>
BIDDER NO 321	NAME <u>Victor Ramos</u>	E-MAIL <u>Victor_Ramos_001@hotmail.com</u>
	ADDRESS <u>343 South 500 East #220</u>	CITY <u>Salt Lake City</u> STATE <u>UT</u>
	PHONE <u>310-270-1208</u>	ZIP <u>84102</u>
BIDDER NO 322	NAME <u>Michael Zopff</u>	E-MAIL <u>michael.zopff@gmail.com</u>
	ADDRESS <u>343 South 500 East #220</u>	CITY <u>Salt Lake City</u> STATE <u>UT</u>
	PHONE <u>(937)-307-3413</u>	ZIP <u>84102</u>
BIDDER NO 323	NAME <u>Jeff Jones</u>	E-MAIL <u>Jones@ajplaw.com</u>
	ADDRESS <u>111 So. Main #2400</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801.916.8260</u>	ZIP <u>84111</u>
BIDDER NO 324	NAME <u>Dan Marks</u>	E-MAIL <u>Dan's-Complete-Auto-Repair.com</u>
	ADDRESS <u>2855 S 3009</u>	CITY <u>Salt Lake</u> STATE <u>UT</u>
	PHONE <u>801 597-1927</u>	ZIP <u>84115</u>
BIDDER NO 325	NAME <u>Rick Gordon</u>	E-MAIL <u>rick@branches.com</u>
	ADDRESS <u>1173 S 5250 W</u>	CITY <u>Ogden</u> STATE <u>UT</u>
	PHONE <u>801 201 7095</u>	ZIP <u>84404</u>
BIDDER NO 326	NAME <u>Guy Zuehlke</u>	E-MAIL <u>guy@tiddemore.com</u>
	ADDRESS <u>870 W. Robinson Dr</u>	CITY <u>N/L</u> STATE <u>UT</u>
	PHONE <u>801-381-8565</u>	ZIP <u>84054</u>
BIDDER NO 327	NAME <u>Michael Burk</u>	E-MAIL <u>mikeburk@hotmail.com</u>
	ADDRESS <u>1355 E Tenbyham Lane</u>	CITY <u>Dog</u> STATE <u>UT</u>
	PHONE <u>801 542 2904</u>	ZIP <u>84026</u>
BIDDER NO 328	NAME <u>Steve Rowlett</u>	E-MAIL
	ADDRESS	CITY STATE
	PHONE <u>801-243-8748</u>	ZIP

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BIDDER NO 281	NAME <u>Ken Kinsey</u>	E-MAIL <u>Ken Kinsey 65 @ Gmail</u>
	ADDRESS <u>699 Emerald Hill</u>	CITY <u>Bount. Ry</u> STATE <u>UT</u>
	PHONE <u>801-842-5703</u>	ZIP <u>84010</u>
BIDDER NO 282	NAME <u>Moses Swirell</u>	E-MAIL <u>abemorejod @ gmail.com</u>
	ADDRESS <u>6145 Dymford CT</u>	CITY <u>WV</u> STATE <u>UT</u>
	PHONE <u>801-463-8690</u>	ZIP <u>84128</u>
BIDDER NO 283	NAME <u>MANUEL Dominguez</u>	E-MAIL
	ADDRESS <u>4004 S 1460 W</u>	CITY STATE ZIP
	PHONE <u>801-824-0309</u>	
BIDDER NO 284	NAME <u>Dave Millheim</u>	E-MAIL
	ADDRESS <u>472 Island View</u>	CITY <u>Farmington</u> STATE ZIP <u>84025</u>
	PHONE <u>801-735-9022</u>	
BIDDER NO 285	NAME <u>Daniel Mesias</u>	E-MAIL <u>Davis-complete-Artist</u>
	ADDRESS <u>2855 S 3009</u>	CITY <u>Salt Lake</u> STATE <u>UT</u>
	PHONE <u>801-597-1922</u>	ZIP <u>84115</u>
BIDDER NO 286	NAME <u>Jon Asari</u>	E-MAIL <u>Jon Asari @ Gmail.com</u>
	ADDRESS <u>72 Country Lane</u>	CITY <u>Fraser</u> STATE <u>UT</u>
	PHONE <u>801-391-9840</u>	ZIP <u>84037</u>
BIDDER NO 287	NAME <u>Stephanie Hall</u>	E-MAIL <u>shanellehaydmi@net.net</u>
	ADDRESS <u>5814 S. 1900 W.</u>	CITY <u>Reef</u> STATE <u>UT</u>
	PHONE <u>801-814-1262</u>	ZIP <u>84067</u>
BIDDER NO 288	NAME <u>Hiram Barker</u>	E-MAIL <u>himb3@hotmail.com</u>
	ADDRESS <u>2779 Summerwood Dr</u>	CITY <u>Laurens</u> STATE <u>UT</u>
	PHONE <u>801-655-5569</u>	ZIP <u>84044</u>
BIDDER NO 289	NAME <u>Todd Veli's</u>	E-MAIL <u>TVELI@cs</u>
	ADDRESS <u>10634 S. 1260 W</u>	CITY <u>S. Jordan</u> STATE <u>UT</u>
	PHONE <u>801-557-1981</u>	ZIP
BIDDER NO 290	NAME <u>Antoni Boman</u>	E-MAIL
	ADDRESS <u>886 Westpointe Ct</u>	CITY <u>SLC</u> STATE <u>Utah</u>
	PHONE <u>(801) 618-7416</u>	ZIP <u>440916</u>
BIDDER NO 291	NAME <u>Darin Grover</u>	E-MAIL <u>darinb@ yahoo.com</u>
	ADDRESS <u>3463 Melvina St</u>	CITY STATE ZIP
	PHONE <u>801-599-7594</u>	ZIP <u>84106</u>
BIDDER NO 292	NAME <u>JEREMY MONTAGUE</u>	E-MAIL <u>jmontague@outlook.com</u>
	ADDRESS <u>1670 Swan St</u>	CITY <u>OGDEN UT</u> STATE
	PHONE <u>801-750-4190</u>	ZIP <u>84401</u>

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BIDDER NO 293	NAME FRANCISCO BRAVO	E-MAIL XAVIERAGUI@YAHOO.COM
	ADDRESS 872 WEST 4000 SOUTH	CITY BOUNTIFUL STATE UT
	PHONE 801-8156390	ZIP 84010
BIDDER NO 294	NAME Ian Fisher	E-MAIL
	ADDRESS	CITY STATE
	PHONE 801 8160 0496	ZIP
BIDDER NO 295	NAME JUSTIN ANDERSON	E-MAIL JANDERSON@BD@CMAI.COM
	ADDRESS 2796 W BEDFORD RD	CITY WVC STATE UT
	PHONE 801 209 2529	ZIP 84119
BIDDER NO 296	NAME Dean Mochizuki	E-MAIL dean.mm02@yahoo.com
	ADDRESS 11751 Stone Valley Way	CITY Sandy STATE UT
	PHONE 801-815-9238	ZIP 84094
BIDDER NO 297	NAME Terry Christensen	E-MAIL tchristensen@gmail.com
	ADDRESS 2147 N. East Penryn Rd	CITY Henrich STATE UT
	PHONE 435-701-8666	ZIP 84033
BIDDER NO 298	NAME KENNETH CLARK	E-MAIL kmacindryu@kmacindryu.com
	ADDRESS 3957 PACE PARK	CITY PARK CITY UT STATE
	PHONE 801-301-9368	ZIP 84047
BIDDER NO 299	NAME John WAKETZEL	E-MAIL johnnyHW1944@Gmail.com
	ADDRESS 1471 S. 2400	CITY OREM STATE UT
	PHONE 801-876-4312	ZIP 84058
BIDDER NO 300	NAME Tyler Reid	E-MAIL treid@gocmgmcc.com
	ADDRESS 930 S Rio Grande St	CITY SLC STATE UT
	PHONE (801) 793-4202	ZIP 84101
BIDDER NO 301	NAME Alberto Munoz	E-MAIL
	ADDRESS 665 S 900 W	CITY SLC STATE UT
	PHONE 385-232-4992	ZIP 84104
BIDDER NO 302	NAME Ruben Orampo	E-MAIL
	ADDRESS 75 N. 600 W.	CITY STATE
	PHONE 801-645-6029	ZIP
BIDDER NO 303	NAME Spencer Knaphus	E-MAIL
	ADDRESS 2220 Murray Holloway RD	CITY Holloway STATE UT
	PHONE 801 898 0437	ZIP 84117
BIDDER NO 304	NAME John Couler	E-MAIL JCouler9253@gmail.com
	ADDRESS 1005 N Geneva RD	CITY Provo STATE UT
	PHONE 801 318 9253	ZIP 84062

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BIDDER NO 305	NAME <u>Jeremy Nelson</u>	E-MAIL <u>Jeremy.Nelson@BidsMHL.com</u>
	ADDRESS <u>Box 791</u>	CITY <u>Farmington</u> STATE <u>UT</u>
	PHONE <u>801-668-4322</u>	ZIP <u>84025</u>
BIDDER NO 306	NAME <u>Ron Moleni</u>	E-MAIL <u>rmoleni@gmail.com</u>
	ADDRESS <u>5578 S. 4120 W.</u>	CITY <u>Kearns</u> STATE <u>UT</u>
	PHONE <u>801-718-1276</u>	ZIP <u>84118</u>
BIDDER NO 307	NAME <u>Phillip Moleni</u>	E-MAIL <u>frehtae@yahoo.com</u>
	ADDRESS <u>7782 S. 3530 W.</u>	CITY <u>West Jordan</u> STATE <u>UT</u>
	PHONE <u>801-638-8660</u>	ZIP <u>84084</u>
BIDDER NO 308	NAME <u>Shauna Winkler</u>	E-MAIL _____
	ADDRESS <u>1033 W. DRUMPKIN PKW</u>	CITY <u>Highland</u> STATE _____
	PHONE <u>801-301-7477</u>	ZIP _____
BIDDER NO 309	NAME <u>KENT CHRISTIANSEN</u>	E-MAIL _____
	ADDRESS <u>960 N 400 E</u>	CITY <u>NORTH SALT LAKE</u> STATE <u>UT</u>
	PHONE <u>801 837 9749</u>	ZIP <u>84054</u>
BIDDER NO 310	NAME <u>JOSH LIMBEY</u>	E-MAIL _____
	ADDRESS <u>5522 S. Hulsrud Dr</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-550-4614</u>	ZIP <u>84117</u>
BIDDER NO 311	NAME <u>Oscar Monreal</u>	E-MAIL _____
	ADDRESS _____	CITY <u>Orem</u> STATE <u>UT</u>
	PHONE <u>801 499 3437</u>	ZIP _____
BIDDER NO 312	NAME <u>Mark Anderson</u>	E-MAIL _____
	ADDRESS <u>1922 Michigan</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>877 655-5521</u>	ZIP <u>84158</u>
BIDDER NO 313	NAME <u>Louis Vinkler</u>	E-MAIL _____
	ADDRESS <u>624 E Spring Hill Dr.</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-842-6173</u>	ZIP <u>84107</u>
BIDDER NO 314	NAME <u>Veldon Sorensen</u>	E-MAIL <u>Vesore@gmail.com</u>
	ADDRESS <u>2377 Lakeview Dr.</u>	CITY <u>Millcreek</u> STATE <u>UT</u>
	PHONE <u>801-440 7382</u>	ZIP <u>84109</u>
BIDDER NO 315	NAME <u>ERIC HERMAN</u>	E-MAIL _____
	ADDRESS <u>P.O. Box 781</u>	CITY <u>GRANTSVILLE</u> STATE <u>UT</u>
	PHONE <u>801-850-1980</u>	ZIP <u>84029</u>
BIDDER NO 316	NAME <u>Tim Carr</u>	E-MAIL _____
	ADDRESS <u>712 N. 880 W</u>	CITY <u>PG</u> STATE <u>UT</u>
	PHONE <u>801 369 9418</u>	ZIP <u>84062</u>

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BIDDER NO 329	NAME Kevin Beck	E-MAIL kbeck@dmsutah.com
	ADDRESS 611 West 9560 So.	CITY STATE
	PHONE 801-550-8585	ZIP
BIDDER NO 330	NAME Rumel H. Kimball	E-MAIL RCKimball@msn.com
	ADDRESS 1837 So. 400 East	CITY Bountiful STATE UT.
	PHONE 801-295-5797	ZIP 84018
BIDDER NO 331	NAME Jordan Moore	E-MAIL JrdnMoore3@gmail
	ADDRESS PO Box 95151	CITY South Jordan STATE UT
	PHONE 801-898-6350	ZIP 84095
BIDDER NO 332	NAME TRAVIS HEALEY	E-MAIL THEALEY@comp.com
	ADDRESS 170 S. MAIN	CITY SLC STATE UT
	PHONE 801-303-5565	ZIP 84101
BIDDER NO 333	NAME David Dennis	E-MAIL DavidDennis Wyco Utah.com
	ADDRESS 554 Hwy Rd 107	CITY Evanston STATE WY
	PHONE 307-679-9981	ZIP
BIDDER NO 334	NAME Schuyler	E-MAIL
	ADDRESS	CITY STATE
	PHONE 801 971 4898	ZIP
BIDDER NO 335	NAME Jeff Hatch	E-MAIL jhatch@gmail
	ADDRESS 7917 cedar way	CITY P.C STATE CA
	PHONE 801 598 0827	ZIP
BIDDER NO 336	NAME JANEY FERGUSON	E-MAIL
	ADDRESS 315 E 2200 S	CITY Bntfl STATE UT
	PHONE 801-518-7566	ZIP 84010
BIDDER NO 337	NAME BOB MEADOR	E-MAIL
	ADDRESS	CITY Cade STATE UT
	PHONE 7607605-5204	ZIP
BIDDER NO 338	NAME Taylor Anderson	E-MAIL tayloranderson@puffmail.com
	ADDRESS 836 W. 1650 N.	CITY PG STATE UT
	PHONE 801-203-1938	ZIP
BIDDER NO 339	NAME R. B. JENSEN	E-MAIL
	ADDRESS	CITY STATE
	PHONE	ZIP
BIDDER NO 340	NAME Don Bellon	E-MAIL
	ADDRESS	CITY STATE
	PHONE 801-706-5758	ZIP

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BIDDER NO 341	NAME <u>Devon Branson</u>	E-MAIL <u>atlasd5@AOC.com</u>
	ADDRESS <u>138 E 12300 J #C-196</u>	CITY <u>Dran</u> STATE <u>UT</u>
	PHONE <u>801-558-9081</u>	ZIP <u>84020</u>
BIDDER NO 342	NAME <u>Thinh Nguyen</u>	E-MAIL <u>sunuuh-luck@yahoo.com</u>
	ADDRESS <u>1465 W 3630 S</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-347-70</u>	ZIP
BIDDER NO 343	NAME <u>JOSE HENRIQUEZ</u>	E-MAIL <u>Jhenriquez909@gmail.com</u>
	ADDRESS <u>70425 C. Dow L.</u>	CITY <u>West Verde</u> STATE <u>UT</u>
	PHONE <u>385 831 9576</u>	ZIP <u>84084</u>
BIDDER NO 344	NAME <u>DANIEL CHARL</u>	E-MAIL
	ADDRESS <u>448 W. 500 North</u>	CITY STATE
	PHONE <u>385-2377298</u>	ZIP
BIDDER NO 345	NAME <u>Jeff Meyer</u>	E-MAIL <u>jeffrey@meier.net</u>
	ADDRESS <u>1055 N. Amberly Dr.</u>	CITY <u>NSL</u> STATE <u>UT</u>
	PHONE <u>(801) 694-6570</u>	<u>84054</u> ZIP
BIDDER NO 346	NAME <u>STEVE BECKY</u>	E-MAIL <u>senesi steve DD1@yahoo.com</u>
	ADDRESS <u>2270 S. 100 W</u>	CITY <u>Clearfield</u> STATE <u>UT</u>
	PHONE <u>(801) 801-541-5253</u>	ZIP <u>84015</u>
BIDDER NO 347	NAME <u>ROYD CHRISTENSEN</u>	E-MAIL
	ADDRESS <u>3739 E. 8650 W</u>	CITY <u>Magna</u> STATE <u>UT</u>
	PHONE <u>801-250-5544</u>	ZIP <u>84044</u>
BIDDER NO 348	NAME <u>MARVIN HILL</u>	E-MAIL <u>FISHING MARV @GMAIL.COM</u>
	ADDRESS <u>1507 Daylight Cir</u>	CITY <u>Farmington</u> STATE <u>UT</u>
	PHONE <u>801-698-4111</u>	ZIP <u>84025</u>
BIDDER NO 349	NAME <u>Eric A. McIntire</u>	E-MAIL <u>emil@sl/rp/rin auto.com</u>
	ADDRESS <u>11020 S Linden Rd</u>	CITY <u>Sandy</u> STATE <u>UT</u>
	PHONE <u>801-809-0067</u>	ZIP <u>84092</u>
BIDDER NO 350	NAME <u>JOHN CLARKE</u>	E-MAIL <u>JCLARKE@CLOUWELLBANKET</u>
	ADDRESS <u>5524 WILLOWLAND CIR</u>	CITY <u>Og</u> STATE <u>UT</u>

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BIDDER NO 351	NAME Nick George	E-MAIL nrgorge@comcast.net
	ADDRESS 9196 E. 3380S.	CITY SLC STATE UT
	PHONE 801-330-5057	ZIP 84109
BIDDER NO 352	NAME Craig Softe	E-MAIL
	ADDRESS 10398 S Danks Hill Dr #109	CITY South Jordan STATE UT
	PHONE 801-750-2991	ZIP 84009
BIDDER NO 353	NAME Wesley Brandon	E-MAIL brandonatr@live.com
	ADDRESS 1764 N Andrews Ln	CITY Saratoga Springs STATE UT
	PHONE (435) 830-6582	ZIP 84045
BIDDER NO 354	NAME George Coenraadt	E-MAIL buz2x5@hotmail.com
	ADDRESS 1360 Hallam rd	CITY Francis STATE UT
	PHONE 801-403-0334	ZIP 84036
BIDDER NO 355	NAME Jeff Jones	E-MAIL jjones@ajplaw.com
	ADDRESS 111 So Main #2400	CITY SLC STATE UT
	PHONE 801-916-8260	ZIP 84111
BIDDER NO 356	NAME Alyssa	E-MAIL lynn-a@comcast.net
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	PHONE 801-706-0089	ZIP 84108
BIDDER NO 357	NAME Fidel Portillo	E-MAIL Fidel.Portillo@redsox.com
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	PHONE 801-599-0971	ZIP 84118
BIDDER NO 358	NAME Nancy Tracy	E-MAIL yellownanna@gmail.com
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	PHONE 801-660-7717	ZIP 84601
BIDDER NO 359	NAME Doyle Petersen	E-MAIL
	ADDRESS 1432 S.W. Itascaville Rd	CITY WASHDC STATE UT
	PHONE 435-640-3436	ZIP 84017
BIDDER NO 360	NAME Chayler Stagg	E-MAIL
	ADDRESS P.O. Box 1023	CITY DRAPER STATE UT
	PHONE	ZIP 84020
BIDDER NO 361	NAME John Stagg	E-MAIL johnstagg@comcast.net
	ADDRESS 740 E 1100 N Lot 13	CITY NS STATE UT
	PHONE (801) 865-9170	ZIP 84054
BIDDER NO 362	NAME Kathryn Wilson	E-MAIL kathyrwilson111@gmail.com
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	PHONE 801-3289848	ZIP 84103

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BIDDER NO 363	NAME <u>Scott Colby</u>	E-MAIL <u>scolby34@yahoo.com</u>
	ADDRESS <u>2204 E 3000 N</u>	CITY <u>Layton</u> STATE <u>UT</u>
	PHONE <u>801-678-9528</u>	ZIP <u>84040</u>
BIDDER NO 364	NAME <u>Derek Johnson</u>	E-MAIL <u>derekjohnson44@hotmail.com</u>
	ADDRESS <u>2164 Jini Drive</u>	CITY <u>Layton</u> STATE <u>UT</u>
	PHONE <u>367-200-7227</u>	ZIP <u>84040</u>
BIDDER NO 365	NAME <u>Clayton R. Williams</u>	E-MAIL <u>claytonrwilliams@comcast.net</u>
	ADDRESS <u>1010 Oak Hills Way</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-712-7577</u>	ZIP <u>84108</u>
BIDDER NO 366	NAME <u>BRET WAHLEN</u>	E-MAIL <u>Bretw@awaeng.com</u>
	ADDRESS <u>4432 S. DUNSMIRE</u>	CITY <u>BH</u> STATE <u>UT</u>
	PHONE <u>801-243-6000</u>	ZIP <u>84010</u>
BIDDER NO 367	NAME <u>Allen Roberts</u>	E-MAIL <u>allen@csia-us.com</u>
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	PHONE <u>801-635-6918</u>	ZIP <u>84102</u>
BIDDER NO 368	NAME <u>David Glover</u>	E-MAIL <u>dgloverenglish@yahoo.com</u>
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	PHONE <u>801-278-3435</u>	ZIP <u></u>
BIDDER NO 369	NAME <u>Pages Stokes</u>	E-MAIL <u>STOKES and Sons LLC hotmail.com</u>
	ADDRESS <u>2581 W. 2200S</u>	CITY <u>Wheatland</u> STATE <u>UT</u>
	PHONE <u>801 940 7171</u>	ZIP <u>84401</u>
BIDDER NO 370	NAME <u>Paulo Tapia</u>	E-MAIL <u></u>
	ADDRESS <u>1653 N. St. Andreux DR</u>	CITY <u>Farmington</u> STATE <u>UT</u>
	PHONE <u>801-651-2672</u>	ZIP <u>84025</u>
BIDDER NO 371	NAME <u>Tyler Monaghan</u>	E-MAIL <u>LA KATU13@yahoo.com</u>
	ADDRESS <u>10559 Silver Willow</u>	CITY <u>Sandy</u> STATE <u>UT</u>
	PHONE <u>4355905103</u>	ZIP <u></u>
BIDDER NO 372	NAME <u>David Leil</u>	E-MAIL <u></u>
	ADDRESS <u>70 BOX 111</u>	CITY <u>SLC</u> STATE <u>UT</u>
	PHONE <u>801-910-9111</u>	ZIP <u></u>
BIDDER NO 373	NAME <u>Pol A. Riveres</u>	E-MAIL <u>coolangelriveres@yahoo.com</u>
	ADDRESS <u>9343 Mountain Laurel Ln</u>	CITY <u>W. Jordan</u> STATE <u>UT</u>
	PHONE <u>801 347 9350</u>	ZIP <u>84081</u>
BIDDER NO 374	NAME <u>Scott Campbell</u>	E-MAIL <u></u>
	ADDRESS <u>5508 Ponderosa Ln</u>	CITY <u>Stansbury Park</u> STATE <u>UT</u>
	PHONE <u>801.821.6446</u>	ZIP <u>84074</u>

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BIDDER NO 377	NAME	David Snyders	E-MAIL	david@davidsonmeyer.com
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	PHONE	801-698-2520	ZIP	
BIDDER NO 378	NAME	BRAD	E-MAIL	
	ADDRESS		CITY	STATE
	PHONE	Atterke	ZIP	
BIDDER NO 379	NAME	Daniel Tutau	E-MAIL	tutau@yahoo.com
	ADDRESS	1219 W 800 S	CITY	SL STATE UT
	PHONE	801 867 6686	ZIP	
BIDDER NO 380	NAME	PAOLO DIQUATTRO	E-MAIL	paolo.diquattro@yahoo.com
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	PHONE	385-445-1860	ZIP	84104
BIDDER NO 381	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 382	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 383	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 384	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 385	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 386	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 387	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	
BIDDER NO 388	NAME		E-MAIL	
	ADDRESS		CITY	STATE
	PHONE		ZIP	

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EXHIBIT C

2001 WL 1682013
United States Bankruptcy Court,
D. Utah, Central Division.

In re: Joseph Raymond HORSLEY
S.S.N. XXX-XX-XXXX and Lynda K.
Horsley S.S.N. XXX-XX-XXXX, Debtors.

No. 99-30458 JAB.
|
Aug. 17, 2001.

Attorneys and Law Firms

[Michael N. Zundel](#), Esq., [Glenn R. Bronson](#), Esq., Prince,
Yeates & Geldzahler, Salt Lake City, for the Trustee.

[Kenneth A. Rushton](#), Esq., Lehi, Chapter 7 Trustee.

Joseph Raymond Horsley, West Jordan, Debtor.

[R. Mont McDowell](#), Esq., McDowell & Gillman, Salt
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[Steven T. Waterman](#), Esq., [Rick B. Hoggard](#), Esq., Ray,
Quinney & Nebeker, Salt Lake City, for Brighton Bank.

Joel T. Marker, Esq., McKay Burton & Thurman, Salt
Lake City, for Attorney Title Guaranty Fund.

David M. Connors, Esq., [Jonathan R. Schofield](#), Esq.,
Leboeuf Lamb Greene & Macrae, Salt Lake City, for
Provident Bank.

[Steven W. Dougherty](#), Esq., Anderson & Karre, Salt Lake
City, for Millennia Investment Corp.

[Peter J. Kuhn](#), Esq., Office of the United States Trustee,
Salt Lake City.

Carolyn B. McHugh, Esq., Parr Waddoups Brown Gee &
Loveless, Salt Lake City.

MEMORANDUM DECISION AND ORDER
DENYING TRUSTEE'S MOTION FOR ORDER
GRANTING SUBSTANTIVE CONSOLIDATION
OF ESTATE OF JOSEPH RAYMOND
HORSLEY WITH ASSETS AND LIABILITIES
OF GRANITE TITLE NUNC PRO TUNC

[BOULDEN](#), Bankruptcy J.

*1 The Chapter 7 trustee (Trustee) filed a motion, pursuant to [11 U.S.C. § 105](#), seeking to substantively consolidate the assets and liabilities of Granite Title & Insurance Agency, Inc., (Granite Title) with the estate of one of the joint debtors, Joseph Raymond Horsley (Horsley). Upon consideration of the evidence produced, the arguments of counsel, and after review of applicable case law, the Court denies the motion for substantive consolidation upon the grounds set forth below.

FACTS

1. Horsley and Harlan Hammond (Hammond) founded Granite Title in 1996, with each of them owning a 50 percent interest in the company. Granite Title performed real estate closings and escrow functions and issued title insurance on real property. Horsley worked as an escrow officer for Granite Title for as long as it was a functioning entity.
2. After the initial organizational meeting, Hammond and Horsley met once a month to review the activities of Granite title, and kept corporate minutes of the meetings.
3. In mid 1997, Hammond suffered a debilitating stroke and resigned from Granite Title. He apparently relinquished any ownership interest in Granite Title to Horsley in early 1998, and is no longer affiliated with Granite Title. No action was taken to replace Hammond on Granite Title's Board of Directors.
4. Following Hammond's resignation from Granite Title, Horsley continued to keep some corporate minutes in a manner similar to how the minutes were previously kept with Hammond. Specifically, Horsley would produce minutes that on a specific date Granite Title approved certain asset purchases.
5. While at Granite Title, Horsley controlled Granite Title's escrow trust account held at Brighton Bank. The escrow trust account was used to hold premiums and escrow funds in trust for persons purchasing title insurance policies issued by Granite Title, and persons closing sales

and purchases of real estate through Granite Title. The escrow trust account records were not accurate.

6. Horsley also maintained the records for Granite Title's operating account. The operating account was used for payroll and day to day operating expenses of the company. The operating account records were accurate.

7. On numerous occasions from February 1998 through July 1999, Horsley used funds from Granite Title's escrow trust account for his personal investments. Horsley made wire transfers of funds from Granite Title's escrow trust account to brokerage accounts held primarily in his own name, to be used for the purchase of securities or to meet margin calls.

8. Horsley also maintained a separate investment account funded by his personal monies.

9. Horsley testified that Granite Title funds were not co-mingled with funds from his personal investment account.

10. Horsley participated in real estate transactions that were processed by Granite Title in which Strata Funding Group Inc., Strata Marketing, Inc., and Household Properties, Inc., received monies from Granite Title's escrow trust account.

*2 11. David W. Goodman, Horsley's son-in-law, and David W. Goodman's uncle, Chris Goodman, were affiliated with Strata Funding Group Inc., Strata Marketing, Inc., and Household Properties, Inc.

12. Horsley transferred funds from Granite Title's escrow trust account to third parties in transactions unrelated to the business affairs of Granite Title.

13. Attorneys Title Guaranty Fund, Inc. (ATGF) underwrote the title insurance policies issued by Granite Title.

14. Upon discovery of Horsley's transactions related to Granite Title's escrow trust account, ATGF filed suit against Horsley in state court, Civil No. 9909096932, and effectively

terminated Granite Title's operations in July 1999. The suit has been resolved as set forth below in paragraph 20.

15. ATGF also filed suit against David W. Goodman and others (characterized as the RICO Defendants) related to the transactions involving Granite Title's escrow trust account. The action remains pending.

16. ATGF retained the accounting firm of Neilson Elggren LLP (Neilson) to analyze certain real estate purchase/sale and financing transactions processed by Granite Title through its escrow trust account for use in the litigation against the RICO Defendants.

17. Neilson prepared a thirty-four page report, plus exhibits, pursuant to [Fed.R.Civ.P. 26\(a\)](#) for the litigation against the RICO Defendants. The report detailed the transactions related to Granite Title's escrow trust account and the diversion of escrow account funds; calculated claims by third party lenders and the portion of damages attributable to various parties, and provided an opinion as to the damages asserted by Strata Funding Group and Household Properties. Neilson also assembled a multi-page report of the transactions in the escrow trust account showing the dates of transactions as well as clearance dates, item numbers, payees/payors, memorandum descriptions, amounts, and a running book balance.

18. Neilson concluded that \$530,007.07 was permanently diverted from the escrow trust account in certain real property transactions.

19. Of the specific real property escrow transactions analyzed by Neilson, approximately fifteen percent involved the diversion of funds from Granite Title's escrow trust account. The balance of the real property transactions processed by Granite Title were unrelated to the diversion of funds from Granite Title's escrow trust account.

20. On August 18, 1999, in resolution of the state court action brought by ATGF, Horsley consented to entry of judgment in the amount of \$543,450 for monies owing as alleged in the

compliant in connection with eleven closings at Granite Title.

21. Neilson also concluded that other funds totaling \$994,294.97 were diverted from the Granite Title escrow trust account.

22. Neilson could not find ledger sheets for all transactions, and the purpose of many transactions remain unresolved, although the payors/payees have been determined.

*3 23. Neilson did not analyze Granite Title's operating account or its corporate records.

24. Neilson did not analyze Horsley's personal accounts.

25. Horsley and Lynda Kendall Horsley filed a joint petition seeking relief under chapter 7 on November 30, 1999.

26. The summary of amended schedules filed in the chapter 7 case lists \$559,396 in debt. Of that amount, \$543,450 represents the judgment that Horsley owed to ATGF, leaving a balance of \$15,946 in unsecured debt owed to five consumer creditors unrelated to transactions with Granite Title.

27. Horsley's total assets in summary of amended schedules are listed at \$620; consisting only of "personal property."

28. The Trustee has investigated claims that might be brought against various parties if Horsley's estate is substantively consolidated with the assets and claims of Granite Title. He has concluded that there are numerous transactions that may give rise to preferential and fraudulent transfer causes of action, fraud causes of action, and/or causes of action under Utah's Fiduciaries Act. The Trustee also believes that Granite Title may have Fiduciary Act causes of action against Brighton Bank, the holder of the Granite Title escrow trust account.

29. If substantive consolidation is granted, but the effective date is not effective *nunc pro tunc* to the date of filing of Horsley's case, the Trustee believes most of the causes of action he has investigated would be barred as untimely.

30. The Trustee has not investigated the corporate books of Granite Title to determine if they were properly maintained.

31. At the time Granite Title ceased operations, it had certain assets consisting of a lease on its premises from Brighton Bank, modest funds in its operating and reserve accounts, and office equipment including desks, computers, conference tables, file cabinets and a phone system that Horsley valued in excess of \$10,000.

32. At the time Granite Title ceased operations, its accounts payable included rent to Brighton Bank, a modest amount to vendors for office supplies, a phone bill, and an amount to ATGF on title policies.

DISCUSSION

The Trustee's motion to consolidate is a core proceeding, and this court may enter a final order resolving the motion. [28 U.S.C. § 157\(b\)\(A\) and \(O\)](#). The Trustee seeks substantive consolidation of the assets and liabilities of nondebtor Granite Title with Horsley's case only¹ and asks that such consolidation be made effective *nunc pro tunc* to November 30, 1999. The Trustee stresses that the relief sought is not to consolidate Horsley with Granite Title, for to do so may impact the Trustee's future ability to proceed under Utah's Fiduciaries Act, but only to consolidate the assets and liabilities of both. In support of his motion, the Trustee calls upon the equitable powers of the Court as set forth in [11 U.S.C. § 105](#).²

Substantive consolidation developed as judge made law under the Bankruptcy Act of 1898. See e.g. *In re Sampsell v. Imperial Paper Corp.*, 313 U.S. 215 (1941), *reh'g denied*, 313 U.S. 600 (1941)(implicitly approving substantive consolidation under the Act in the context of a creditor's claim status); *Fish v. East*, 114 F.2d 177 (10th Cir.1940)(analyzing substantive consolidation under the Act). While the Act contained no express authority for the practice, the ability to order substantive consolidation was implied from the bankruptcy court's general equitable powers.³ *Reider v. Federal Deposit Insurance Corp.*, 31 F.3d 1102, 1105 (11th Cir.1994)(citing *Pepper v. Litton*, 308 U.S. 295, 304 (1939))("courts of

bankruptcy are essentially courts of equity, and their proceedings inherently proceedings in equity.”)).

*4 Unlike related provisions allowing for procedural consolidation or joint administration, substantive consolidation escaped codification in the Bankruptcy Reform Acts of 1978 and 1994. *In re Bonham*, 229 F.3d 750, 763 (9th Cir.2000). Notwithstanding, substantive consolidation continues to be utilized under the Code as a manifestation of the broad equitable power detailed in 11 U.S.C. § 105(a). As set forth in the Advisory Committee Note to Fed. R. Bankr.P. 1015⁴, substantive consolidation affects the substantive rights of the creditors of the different estates; it creates one common pool consisting of assets, liabilities, and a single body of creditors, while at the same time extinguishing the liabilities between the consolidated parties.⁵ *Bonham*, 229 F.3d at 764; *Federal Deposit Insurance Corp. v. Colonial Realty Co.*, 966 F.2d 57, 58–59 (2d Cir.1999). As such, it is only available after extreme caution is taken to ensure that such a measure is warranted. See *In re Flora Mir Candy Corp.*, 432 F.2d 1060, 1062 (2d Cir.1970).

Beginning with *Fish*, 114 F.2d 177 and continuing in *Federal Deposit Ins. Corp. v. Hogan (In re Gulfco Invest. Corp.)*, 593 F.2d 921 (10th Cir.1979), this Circuit determined that substantive consolidation may be employed in the appropriate circumstances. Those circumstances are set forth in *Gulfco* which adopted the ten prong test in *Fish*. The *Gulfco/Fish* criteria can be reduced into two general components: (1) the extent to which the entity to be substantively consolidated was managed or controlled by the debtor, and (2) whether the entity to be substantively consolidated had an economic existence independent from the Debtor. Application of the *Gulfco/Fish* criteria is difficult under the present circumstances because the Trustee's motion proposes substantive consolidation of an individual with a corporate entity,⁶ whereas *Gulfco* anticipates, as does much of the case law, substantive consolidation of a parent corporation with a subsidiary or corporate affiliate.⁷ This Court concludes that the Trustee has proved the first but not the second component of the *Gulfco/Fish* criteria.

Assuming, arguendo, that Horsley is viewed as the parent corporation, an application of the *Gulfco/Fish* criteria indicates that Horsley was one of the incorporators of

Granite Title, that he was presumably the sole owner, and that he had exclusive control of Granite Title after Hammond's withdrawal. However, Granite Title was an independent entity, generating its own income apart from Horsley. It was Granite Title, that financed Horsley, rather than the reverse. Granite Title had an independent financial existence apart from Horsley prior to 1998, and continued its title business even after Horsley began invading the escrow trust account. Finally, to a limited extent, Granite Title continued to maintain corporate minutes. Therefore, all of the *Gulfco/Fish* tests related to the parent's financial dominance over the entity to be consolidated necessarily fail.

*5 Apart from the application of the *Gulfco/Fish* factors, *Gulfo* also considers substantive consolidation of two corporate entities appropriate “where a corporation is a mere instrumentality or alter ego of the bankrupt corporation, with no independent existence of its own.” *Gulfco*, 593 F.2d at 928; *Fish*, 114 F.2d 177 (analyzing the consolidation of a subsidiary created to hinder and delay creditors), cf. *In re Alpha & Omega Realty*, 36 B.R. 416 (Bankr.D.Idaho.1984) (declining to substantively consolidate nondebtor entities with the debtor when the parties were not alter egos of each other). Such was certainly not the case here.⁸ Granite Title was an operating title company, and although Horsley raided its escrow trust account, eighty-five percent of its closings were not involved in Horsley's transactions that were ultimately the subject of ATGF's state court action. Therefore, this Court's finds insufficient evidence in the record that Granite Title existed as a “corporate shell” or “sham operation” existing only in furtherance of Horsley's improper financial dealings. *In re Lease–A–Fleet, Inc.*, 141 B.R. 869, 878 (Bankr.E.D.Pa.1992).

In addition, *Gulfco* stresses that for substantive consolidation to be appropriate, the assets of the entities must be “hopelessly commingled.” *Gulfco*, 593 F.2d at 929. Far from being hopelessly commingled, the evidence indicates that ATGF has already unraveled the transactions emanating from Granite Title's escrow trust account to the extent of multiple pages of detailed account reconstruction. Even though every conceivable transaction is not fully accounted for and every transfer has not been explained, this is certainly not a case where it is impossible to ascertain the origin and final disposition of the funds. Therefore, the Court concludes that the Trustee

has not carried his burden of proof under the criteria set forth in *Gulfco*.

Were this Court to apply various tests outside this Circuit to determine whether substantive consolidation is applicable, the Trustee's motion would still be denied. For example, the two-part test in *In re Snider Brothers, Inc.*, 18 B.R. 230, 238 (Bankr.D.Mass.1982), requires that the applicant must show that there is a necessity for substantive consolidation, or a harm to be avoided by its use. The three-part test in *In re Auto-Train Corp.*, 810 F.2d 270, 276 (D.C.Cir.1987), requires that the proponent show a substantial identity between the entities; consolidation is necessary to avoid some harm or to realize some benefit, and that if a creditor objects on the grounds that it relied on the separate credit of one of the entities to its prejudice; and that consolidation may be ordered only if the benefits heavily outweigh the harm. The test in *Union Savings Bank v. Augie/Restivo Baking Co.*, (In re Augie/Restivo Baking Co.), 860 F.2d 515, 518 (2nd Cir.1988), is whether creditors dealt with the entities as a single economic unit and did not rely on their separate identity before extending credit. Finally, the substance of the test in *In re Vecco Construction Industries, Inc.*, 4 B.R. 407, 410 (Bankr.E.D.Va.1980), requires that a court consider the identity and shared financial interests of the parties to be consolidated, and the benefit to be gained in light of the harm to be avoided. Summarizing these tests, the threshold criteria that the movant must meet is that there is a necessity for consolidation, that the benefit realized outweighs the harm to be avoided, and that there is a substantial identity between the debtor and the entity to be consolidated.

*6 The necessity for substantive consolidation in this case is to allow the Trustee to more easily reach the recipients of alleged preferences and fraudulent conveyances. Substantive Consolidation may avoid the harm of allowing recipients of alleged transfers to retain the funds, and may realize the benefit of increasing the dividend to creditors. While the result is laudable, such a benefit oriented approach ignores the underpinning of substantive consolidation—that there be a substantial identity between Horsely and Granite Title. Rather, under the circumstances at hand, this Court finds most significant the question of whether there is a substantial identity between Horsley and Granite Title.

In this case, there is little support for a finding that there was a substantial identity between the parties. The majority of Granite Title's business transactions were independent of Horsley's improper conduct. There is contradictory evidence as to whether Horsley commingled his own monies with those from Granite Title's escrow account. There is uncontradicted evidence that at least some level of corporate formalities associated with Granite Title were continued after Hammond withdrew. In light of all these considerations, this Court cannot conclude that the Trustee has shown a substantial identity between Horsley and Granite Title.

The significance of a lack of identity in this case is amplified by the Trustee's request that this Court order substantive consolidation *nunc pro tunc* to November 30, 1999, the date of the filing of Horsley's petition. If this Court were to determine that substantive consolidation were appropriate here, “[t]he order of consolidation [would rest] on the foundation that the assets of all of the consolidated parties are substantially the same.” *First National Bank v. Rafoth* (In re Baker & Getty Financial Services, Inc.), 974 F.2d 712, 721 (6th Cir.1992). Thus, to grant *nunc pro tunc* relief, it would inherently follow that this Court found a substantial identity exists between the parties to be consolidated. As set forth above, the evidence before this Court cannot support of a finding of substantial identity between Horsley and Granite Title.

Nonetheless, *nunc pro tunc* relief is sought because substantive consolidation would be ineffective without the reach back because the causes of action anticipated by the Trustee may be time barred.⁹ Therein lies friction between the Code and the effective use of substantive consolidation. The Code fixes the limitations on avoiding powers in 11 U.S.C. § 546. Granting the Trustee's motion would circumvent that Code provision under the broad guise of employing equity. 11 U.S.C. § 105 may only be used in furtherance, not in contravention, of the Code. See *Matter of Fesco Plastics Corp., Inc.*, 996 F.2d 152, (7th Cir.1993)(reasoning that in the context of post-petition interest on claims, a bankruptcy court may not invoke § 105 to add something to the Code or to achieve a result inconsistent with what the Code provides). The *nunc pro tunc* relief sought is also inconsistent with this Circuit's ruling in *Crosby v. Mills*, 413 F.2d 1273, 1277 (10th Cir.1969) (stating that *nunc pro tunc* orders cannot be used to reflect something that did not occur, only to correct a mistake or error that actually occurred). Therefore, even

if this Court were to determine substantive consolidation was warranted, it is not persuaded to accord *nunc pro tunc* relief.

*7 Also disconcerting is the jurisdictional quandary this Court is faced with in considering substantive consolidation of a debtor and nondebtor. While such a scenario was implicitly recognized by the Supreme Court in *In re Sampsell*, 313 U.S. 215, and expressly approved by other courts, see e.g. *In re United Stairs Corp.*, 176 B.R. 359 (Bankr.D.N.J.1995); *In re Tureaud*, 59 B.R. 973 (N.D.Okla.1986); *In re Crabtree*, 39 B.R. 718 (Bankr.E.D.Tenn.1984); *In re 1438 Meridian Place N.W., Inc.*, 15 B.R. 89 (Bankr.D.D.C.1981), there exist other equally persuasive arguments from courts that have refused to take jurisdiction over a nondebtor. See *Helena Chemical Co. v. Circle Land and Cattle Corp.* (*In re Circle Land and Cattle Corp.*), 213 B.R. 870 (Bankr.D.Kan.1997); *In re Hamilton*, 186 B.R. 991 (Bankr.D.Colo.1995); *Lease-A-Fleet, Inc.*, 141 B.R. 869.

As a court of limited jurisdiction, this Court only obtains jurisdiction over an entity by the filing of a petition, either voluntarily or involuntarily pursuant to 11 U.S.C. §§ 301 or 303. Substantive consolidation of a nondebtor entity with an existing debtor circumvents that process and raises issues as to whether employing this judge-made mechanism is sufficient to obtain subject matter or personal jurisdiction over a nondebtor. *Circle Land and Cattle Corp.*, 213 B.R. at 876–77 (citing *In re Schwinn Bicycle Co.*, 210 B.R. 747, 761 (Bankr.N.D.Ill.1997)) (“Section 105(a) gives the bankruptcy court authority to ‘issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title....’ However, a bankruptcy judge can use such authority only if core or related jurisdiction otherwise lies over subject matter of the dispute.”)); *In re S.T.R. Corp.*, 66 B.R. 49, 51 (Bankr.N.D.Ohio 1986) (“Section 105 is not jurisdictional and does not grant the court jurisdiction which it does not already possess.”)); but see, *Bonham*, 229 F.3d at 765 (citing cases allowing consolidation of nondebtor and debtor

entities in furtherance of the equitable goals of substantive consolidation). Certainly, for substantive consolidation to effectively bring a nondebtor within the jurisdiction of this court, the identity of the nondebtor must be so far subsumed in the debtor that they are as one. Furthermore, substantive consolidation acts as an “end run” around the requirements and potential consequences under § 303 as well as leaving unanswered the question of what rights or protections attach to a consolidated nondebtor, e.g. automatic stay under § 362, avoiding powers under §§ 542–549. *Lease-A-Fleet, Inc.*, 141 B.R. at 873–74. To order substantive consolidation in this case rides roughshod over the basic tenants of this Court's jurisdiction. Even when the goal is to enhance the assets of the estate, estate enhancement alone is not of sufficient benefit, in this Court's view, to allow equity to defeat the statutory jurisdiction and limitations periods set forth in the Code.

*8 Although the Trustee laudably seeks the ability to file causes of action against various entities to seek return of misappropriated funds and enhance the assets of the combined estate, and thus benefit all creditors, that goal does not outweigh the harm that would be caused by granting this motion. In essence, the Trustee seeks substantive consolidation, not to enhance the reorganization of multiple hopelessly intertwined debtors treated by parties as one unit, but instead as a mechanism to expand the statutory limitations periods to recover from third parties funds misappropriated from an autonomous nondebtor. This is simply an attempt to do indirectly that which the Code prohibits. Therefore, it is hereby

ORDERED, that the Motion for Order Granting Substantive Consolidation of Estate of Joseph Raymond Horsley with Assets and Liabilities of Granite Title *Nunc Pro Tunc* is Denied.

All Citations

Not Reported in B.R., 2001 WL 1682013, 47 Collier Bankr.Cas.2d 103

Footnotes

- 1 Horsley and Lynda Kendall Horsley filed a joint case pursuant to 11 U.S.C. § 302(a). Although there has been no court determination pursuant to 11 U.S.C. § 302(b) regarding the consolidation of Horsley and Lynda Kendall Horsley's estate, since November 30, 1999, it appears that the case has been administered in a consolidated fashion.
- 2 11 U.S.C. § 105(a) provides in relevant part: “The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”

- 3 For a critical assessment of the bankruptcy court's equity power see Hon. Marcia Krieger, "[THE BANKRUPTCY COURT IS A COURT OF EQUITY: WHAT DOES THAT MEAN?](#)", 50 S.C. L. REV. 275 (1999).
- 4 The Advisory Committee Note to [Fed. R. Bankr.P. 1015](#) provides in relevant part: "Consolidation, as distinguished from joint administration, is neither authorized nor prohibited by this rule since the propriety of consolidation depends on substantive considerations and affects the substantive rights of the creditors of the different estates."
- 5 To best effectuate the equities of substantive consolidation, some courts have found that the court may limit the consolidation to certain classes of claims, specific property, or may otherwise condition the consolidation within its discretion. See [In re Cooper](#), 147 B.R. 678, 682 (Bankr.D.N.J.1992); [In re Steury](#), 94 B.R. 553, 557 (Bankr.N.D.Ind.1988); [In re Parkway Calabasas, Ltd.](#), 89 B.R. 832, 837 (Bankr.C.D.Ca.1988), *aff'd* 949 F.2d 1058 (9th Cir.1991).
- 6 See e.g. [In re Bonham](#), 229 F.3d at 765–69; [In re New Center Hospital](#), 179 B.R. 848, 853 (Bankr.E.D.Mich.1994), *aff'd in part, rev'd in part*, 187 B.R. 560 (E.D.Mich.1995); [In re Mumford, Inc.](#), 115 B.R. 390, 397 (Bankr.N.D.Ga.1990); [In re Tureaud](#), 45 B.R. 658, 662 (Bankr.N.D.Okla.1985), *aff'd* 59 B.R. 973 (N.D.Okla.1986).
- 7 See e.g. [In re Hemingway Transport](#), 954 F.2d 1 (1st Cir.1992); [In re Affiliated Foods, Inc.](#); 249 B.R. 770 (Bankr.W.D.Mo.2000); [In re American Way Service Corp.](#), 229 B.R. 496 (Bankr.S.D.Fla.1999); [In re United Stairs Corp.](#), 176 B.R. 359 (Bankr.D.N.J.1995); [In re Vecco Construction Industries, Inc.](#), 4 B.R. 407 (Bankr.E.D.Va.1980).
- 8 On May 9, 2001, this Court entered a Default Judgment against ATGF, Advance Financial Services, Inc., Granite Title Insurance Agency, and R & M Funding Group L.L.C., in Adversary Proceeding No. 00P–2173JAB. Therein, the Court "ORDERED, ADJUDGED and DECREED that, pursuant to Counts 1, 2 and 3 of the Trustee's Second Cause of Action in this proceeding, Advance Financial, Granite Title and R & M Funding area each the alter ego of the Debtor Joseph Raymond Horsley ." Despite that ruling, this Court will not predicate an order of substantive consolidation that requires a determination of mutual identity, upon a finding of alter ego in a default judgment.
- 9 During closing argument, the Trustee offered a distinction between *nunc pro tunc* and the general concept of "relation back ." He argued that relation back is more suited to the context of this case and that this Court should not disfavor making November 30, 1999, the effective date merely because of its historical reticence to granting *nunc pro tunc* requests. Under the facts of this case, the Court is less concerned with the guise of the retroactive date than its effect on parties. Alternatively, the Trustee argued that this Court need not make a determination at this time on whether to grant the *nunc pro tunc* request. This Court, however, declines the Trustee's invitation and recognizes that if it determined substantive consolidation were warranted, "[t]he order of consolidation [would rest] on the foundation that the assets of all of the consolidated parties are substantially the same. Therefore, the earliest filing date [would be] the controlling date, and all transfers ... analyzed as of that date." [First National Bank v. Rafoth \(In re Baker & Getty Financial Services, Inc .\)](#), 974 F.2d 712, 721 (6th Cir.1992).